

of detainees. Now, we decided, after a lot of careful deliberation of the 2005 act, that we would restrict that to the men and women in the Armed Forces.

There was a very good reason for that. In the course of our conflicts in Iraq and Afghanistan, detainees came into the possession of our field forces, operating in combat conditions most of the times when these detainees were caught, and relatively, so to speak, while the military people are magnificently trained throughout their careers to deal with these situations of combat and the like, very few of them have had the opportunity to get into the profession of interrogation. In order to give them the protection they needed in performing interrogation at what we call the field and tactical level, it was important to draw up this act and to prescribe very clearly for the men and women in uniform—I repeat that: only for the men and women in uniform—very clearly the procedures they must follow to accord the values of our framework of laws, the fact that this is not a nation that stands for torture, and to also give them protection in the event that somehow they were challenged in a court of law, be it a military court or other courts, as to their performance by virtue of their interrogating activities of certain detainees. So there were many reasons to put it all down and say that this is the Army Field Manual, prescribe the authorized techniques, and therefore allow the men and women of the Armed Forces to continue their operations militarily, tactically, and to follow that field manual in such instances where it is necessary to interrogate detainees.

But in the course of that debate—and understandably and I think quite properly—attention was given to whether we should have this type of procedure applicable to all the Government agencies and departments of our Federal Government. The decision was made, and the answer was no—not quickly, no; it was a deliberate no reached after a lot of careful consideration—that this Detainee Act should be for the purpose of our military people, and we purposely did not include the CIA and the FBI. As time evolved into 2006, when we had that legislation, once again we reiterated we would not include either the CIA or the DIA and then in any way at that time legislate their program, other than to say that the conduct of the CIA program and the FBI program has to be in total compliance with all the laws of our land, which in no way sanctioned abusive treatment, torture or those sorts of things. It is not a part of it.

Furthermore, that both the procedures by the CIA and the FBI had to be in compliance with the treaties, the treaty obligations we have, particularly article 3, common article 3, which has been debated so carefully on the floor of the Senate.

So, in effect, what we have before us momentarily in this vote is overruling the decisions that were made by this

body in the context of drawing up those two statutes, one in 2005 and one in 2006. So I, for that reason, feel very strongly that I cannot support this. I think it has been indicated that the President doesn't support it and that if this were to arrive at his desk, in all probability, we would have a veto, and that would be regrettable because a lot of work has been put into this bill. There are portions of it that the distinguished Senator from Arizona, Mr. KYL, talked about which hopefully can be corrected. But we need an Intelligence bill. We have marvelous staff in the Senate and others who work on this problem of legislation year after year, and we are long overdue to have an Intelligence bill. It is unfortunate that in the last throes of the legislative process, in a conference, this provision, which we clearly know to be out of scope, was put into the bill, and it is for that reason that I will have to oppose the bill.

There is another reason I would have to oppose it, and that is that the Army Field Manual, again, was for the military, but it is a manual. Certainly, under the current way it is framed and put together in the law, a manual can be changed. So while there are some 19 techniques that are detailed as approved for the use of our troops in the field and elsewhere, who is to say they couldn't add some more and that at that point Congress is not involved. So I am not sure people thought through the technical aspects of this thing, and to me, it is a very unwise decision.

But I wish to reiterate to our colleagues that by virtue of taking the stance I take—and I presume a goodly number of individuals will join in this, unfortunately, and vote against this bill—this is not to say, in any way, that we are sanctioning that the Agency, the CIA, employ techniques which are in any way constituted as abusive treatment of human beings or torture or degrading.

All of that is carefully spelled out in the framework of the laws of 2005 and 2006, and it cannot be done by the agency, nor the FBI—nor are they doing it. The Intelligence Committee has had a series of hearings. We have had the DNI, the Director of the CIA, the head of the FBI, and all of them have been carefully questioned and are on record saying that these procedures, which would be tantamount and antithetical to our laws of 2005 and 2006 are not employed now, and they will not be in the future.

It is for that reason that I will have to oppose this bill. I urge my colleagues to do likewise because we will be taking away from the agencies the ability to perform a very limited number of interrogations, a very limited number—but they do them in an entirely different framework of circumstances, environment, than does the Army or other military members of our Army, Navy, Air Force, and Marine Corps under the Army Field Manual.

The techniques applied by the CIA are in compliance with the laws, but

they are not all written up so that a detainee knows full well that if they are apprehended, they will be subjected to the interrogation procedures of the agencies; he would know all about it if it is written up as it is in the Army Field Manual. That would take away a good deal of the psychological impact of highly skilled interrogating procedures. We are about to throw those away, abandon them.

This is a very dangerous and complex world. I sometimes think, in the course of this political campaign, as I listen to my good friends—three of them Members of this Chamber—vying for the Presidency of the United States, the awesome framework of complex situations that is going to face the next President of the United States. I must say, I have a few years behind me, and I have seen a good bit of history in this country, but never before has the next President, whoever it may be—never before have they faced such an awesome, complex situation in the world that is so fraught with hatred and terrorism and threats to the basic freedoms of our Nation and many other nations.

It is going to be a real challenge for that next President to shoulder the responsibilities of Commander in Chief of the Armed Forces of the United States. And this set of procedures that we presently have in place, which complies with the law of our land, which complies with international treaties, must be left intact to enable the Intelligence Committee to conduct their interrogations and do so to produce facts which could very well save this Nation and facts that are, every day, helping to save the men and women of the Armed Forces in uniform wherever they are in the world—primarily in Iraq and Afghanistan—as they pursue their courageous responsibilities on behalf of us here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I believe it is important to clear up for the record, for the benefit of my colleagues and the American people, some statements that were made earlier today about waterboarding, interrogation techniques and the Army Field Manual.

During the House and Senate conference for the fiscal year 2008 intelligence authorization bill, an amendment—section 327—was adopted that would prevent any element of the intelligence community from using any interrogation technique not authorized by the Army Field Manual.

Earlier today, we heard that the full membership of the conference committee, the full membership of the House Intelligence Committee and Senate Intelligence Committee all came to the conclusion that all interrogations should be conducted within the terms of the U.S. Army Field Manual.